

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DISH Network L.L.C. and Sling TV L.L.C.,

Plaintiffs,

vs.

Asia TV USA Ltd. and Asia Today Ltd.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/14/19

Case No. 1:19-cv-00021-VSB

STIPULATION AND
~~PROPOSED~~ ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties to this action, as follows:

1. Plaintiffs' motion for a preliminary injunction, filed in the above-captioned matter and currently returnable on January 14, 2019, before the Honorable Vernon S. Broderick, United States District Judge, shall be adjourned for a period of ninety (90) days and shall be heard instead on April 9, 2019 at 10:00 am, in the event that the parties are not able to resolve this dispute consensually before that time (the "Stay Period").

2. The adjourned preliminary injunction hearing shall include the presentation of live witness testimony. Direct testimony shall be presented by witness declaration, with an opportunity for live cross-examination and re-direct examination. To the extent that Plaintiffs or Defendants may seek to supplement their written submissions on the pending preliminary injunction motion, advance notice will be provided to the other side and the parties will meet and confer in an effort to agree upon a schedule for such supplementation.

3. During the Stay Period, the parties shall negotiate in good faith to resolve the disputes that are the gravamen of the Complaint in the instant case, including, but not limited to, the claims relating to the three separate notices of breach, dated November 9, 2018, November

21, 2018, and December 4, 2018 (collectively, the “Breach Notices”) relating to certain agreements that govern the relationship between the parties (the “Asia TV Agreements”).

4. During this Stay Period, the Defendants hereby stipulate and agree that they will: (i) not terminate the Asia TV Agreements on account of any of the Breach Notices or otherwise terminate those agreements; (ii) not withhold, interrupt, or cease the provision of the signals relayed to Plaintiffs for the provision of Zee content available on the DISH and Sling TV platforms (other than to account for normal service, maintenance, weather, or force majeure events); and/or (iii) otherwise maintain the status quo with respect to their performance of the Asia TV Agreements.

5. During the Stay Period, the Plaintiffs shall maintain the status quo with respect to their performance of the Asia TV Agreements, including, but not limited to: (i) maintaining the provision of the Zee content on the DISH or Sling TV platforms in all its current forms and/or iterations; and (ii) maintaining their performance obligations under the Asia TV Agreements, including but not limited to, their payment obligations.

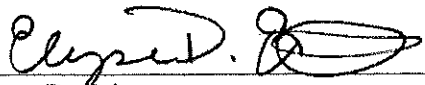
6. Any and all other dates and deadlines that are triggered by the filing the Complaint, including the deadline for Defendants to answer or otherwise respond to the Complaint, shall be suspended during the pendency of the Stay Period.

7. None of the parties will be prejudiced, with respect to any claim, defense, motion or argument as result of this Stipulation and/or the passage of time during the Stay Period. No party will argue that the passage of time during Stay Period has any impact on the merits of any other party’s positions on the facts and/or law in this case.

8. The temporary restraining order entered by this Court on January 2, 2019 shall be and hereby is vacated, in its entirety.

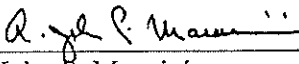
Dated: January 14, 2019

By:


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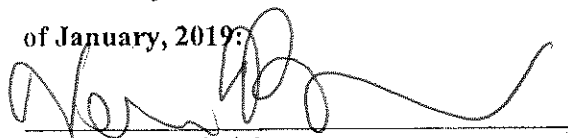
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*Attorneys for Defendants Asia TV USA
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It is hereby SO ORDERED, this 14th day
of January, 2019:


Vernon S. Broderick
United States District Judge

